

## REMARKS/ARGUMENTS

### I. Status Of The Claims

Claims 1 - 17 are pending in the application.

Claims 1 - 2, 5, 7, and 9 - 17 were rejected under 35 U.S.C. § 102(b) as unpatentable over U.S. Patent No. 5,841,842 to Baum et al. ("Baum").

Claim 8 was rejected under 35 U.S.C. § 103(a) as unpatentable over Baum.

Claim 3 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention.

Claims 4 and 6 were objected to as being dependent upon a rejected base claim, but the Examiner indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### II. Amendments

Claim 1 is amended to recite the steps of "determining with the telecommunications switch . . ." and "terminating the predetermined data protocol with the telecommunications switch." Support for this amendment can be found throughout the drawings, specification, and claims, and in particular in the specification at page 4, lines 2 - 21 and FIG. 3.

Claim 3 is amended to depend from claim 2.

Claim 5 is amended to delete "a" and add "the" before "data network" in step E.

Claim 14 is amended to recite "an access circuit integral with the telecommunications switching system that receives telephone calls." Support for this amendment can be found throughout the drawings, specification, and claims, and in particular in the specification at page 6, lines 25 - 32 and FIG. 3.

### III. Claims 1 - 13 Are Allowable Over Baum.

Claim 1 is allowable over Baum because, at a minimum, Baum does not teach or suggest the claimed step of "determining with the telecommunications switch whether the telephone call includes a first data transmission conforming to a predetermined data protocol." Baum teaches the use of a network access server 30 that receives digital signals from the central office of the local telephone company (col. 8, lines 12 - 57) and does not teach or suggest any analysis of this digital signal using a telecommunications switch. The method taught by Baum is carried out on

a network access server that is separate from a telecommunications switch. Claim 1 is allowable over Baum for at least this reason.

Claim 1 likewise is allowable over Baum because, at a minimum and independent of the preceding discussion, Baum does not teach or suggest the claimed step of "terminating the predetermined data protocol with the telecommunications switch". The method taught by Baum is carried out on a network access server that is separate from a telecommunications switch. Claim 1 also is allowable over Baum for at least this reason. Applicants respectfully request that the Examiner withdraw the rejection of claim 1 based upon Baum.

Claims 2 - 13 depend from claim 1 and are allowable over Baum for at least the same reasons as claim 1. Applicants respectfully request that the Examiner withdraw the rejection of claims 2 - 13 based upon Baum.

**IV. Claims 14 - 17 Are Allowable Over Baum.**

Claim 14 is allowable over Baum because, at a minimum, Baum does not teach or suggest the claimed "access circuit integral with the telecommunications switching system that receives telephone calls", which is coupled to the claimed data protocol analyzer, data protocol terminator, and demodulator. Baum teaches the use of a network access server to process incoming communications and does not teach or suggest the use of a telecommunications switching system to carry out such functions. Claim 14 is allowable over Baum for at least this reason. Applicants respectfully request that the Examiner withdraw the rejection of claim 14 based upon Baum.

Claims 15 - 17 depend from claim 14 and are allowable over Baum for at least the same reasons as claim 14. Applicants respectfully request that the Examiner withdraw the rejection of claims 15 - 17 based upon Baum.

**V. Dalton et al. Inadvertently Not Listed On PTO-892.**

Applicants note that the Examiner sent U.S. Patent No. 6,236,653 to Dalton et al. ("Dalton") along with the other references that were cited by the Examiner and listed on the PTO-892 sent with the Office Action. Dalton was apparently inadvertently not listed on the PTO-892. Applicants respectfully request that Dalton be listed on a PTO-892 and be included on the face of the patent, if indeed the Examiner intended to cite this reference.

VI. Conclusion

In light of the foregoing, Applicants respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

Please direct any questions regarding this Amendment to the undersigned attorney at (312) 840-8627. In addition, please charge any fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 10-0460.

Respectfully submitted,



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